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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/082,844	02/25/2002	Stephen E. Terry	I-2-0160.2US	8107
24374 7590 06/04/2008 VOLPE AND KOENIG, P.C. DEPT. ICC UNITED PLAZA, SUITE 1600 30 SOUTH 17TH STREET PHILADELPHIA, PA 19103			EXAMINER NG, CHRISTINE Y	
			ART UNIT 2616	PAPER NUMBER
			MAIL DATE 06/04/2008	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/082,844

**Applicant(s)**

TERRY, STEPHEN E.

**Examiner**

CHRISTINE NG

**Art Unit**

2616

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 23 January 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 February 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/5508)
- Paper No(s)/Mail Date 1/23/08
- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Inventor's Patent Application
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-4 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 5,872,820 to Upadrasta.

Referring to claim 1, Upadrasta discloses a method of using a mobile terminal (MT) (Figure 1, mobile stations 110 and 130) for synchronizing uplink signals in a wireless communications that use a time frame format (TDMA) having sequentially identified system time frames. Refer to Column 2, lines 46-67. The method comprises:

Receiving communication data within system time frames including a TA signal (Figure 4, SCB 412,422) which include TA data (TEMP: current value of MFN counter that began at FN1, as specified by the SCB in step 500-535) and a Connect Frame Number (CFN) (FN2: as specified by the SCB in steps 540-545) specifying a specific frame for effectuating a timing adjustment.

Adjusting (Figure 5, steps 550-555) uplink transmission timing of the MT in response to TA data in the received TA signal commencing in the time frame specified in the CFN of the received TA signal. The controller 220 and DSP 240 of a mobile

station extracts a first frame number FN1 from a first SCB signal. After receiving a second SCB signal, the controller 220 and DSP 240 reads the current value of the MFN counter and stores it as TEMP, and then decodes a second message frame number FN2. The controller 220 and DSP 240 then calculate the time lag as  $FN2 - TEMP$ , and adds the time lag to the mobile frame number counter. From then on, the base station assigned message frame numbers and the mobile frame numbers will be perfectly synchronized. For example, in Figure 6, the controller calculates the difference between the received second message frame number ( $FN2 = 10$ ) and the stored MFN ( $TEMP = 8$ ), which is "2", and adds this value to the current frame number value "10" to synchronize the frame values. Refer to Column 3, lines 10-45; and Column 4, line 45 to Column 6, line 37.

Referring to claims 2-4, Oksala discloses a mobile terminal (MT) (Figure 1, mobile stations 110 and 130) which supports base station (BS) / mobile terminal (MT) wireless bi-directional communications via the utilization of a time frame format (TDMA) having sequentially identified system time frames. Refer to Column 2, lines 46-67. The mobile terminal (MT) comprises:

A receiver, a transmitter and an associated processor.

Said receiver (Figure 2, radio interface 260) configured to receive communication data within system time frames including timing advance TA signals which include TA data and a Connect Frame Number (CFN) specifying a specific frame for effectuating a timing adjustment.

Said transmitter (Figure 2, radio interface 260) configured to transmit selectively formatted communication data within system time frames synchronized by said processor.

Said MT processor (controller 220 and DSP 240) configured to adjust transmission timing of said transmitter in response to TA data in a received TA signal commencing in the time frame specified in the CFN of the received TA signal. Refer to the rejection of claim 1.

### ***Response to Arguments***

3. Applicant's arguments filed January 23, 2008 have been fully considered but they are not persuasive.

Referring to the argument that Upadrasta do not disclose "retarding or advancing signaling between the base station and the mobile station" (page 5, line 18 to page 6, line 2): Upadrasta disclose in Figure 5 that the MT calculates time lag =  $FN2 - TEMP$  and adds the time lag to the mobile frame number counter in order to synchronize the frame numbers between the MT and BSS. Refer to Column 5, lines 13-55. If the value of FN2 is greater than the value of TEMP, then the time lag will be positive and the timing will be advanced. If the value of FN2 is less than the value of TEMP, then the time lag will be negative and the timing will be retarded. By synchronizing the mobile station frame number with the base station number, the MT can transmit data to the BSS on the correct frame, so that the BSS can correctly receive the data.

The claims just claim "adjusting uplink transmission timing". Therefore, since the MT adds the time lag to its frame number counter to synchronize itself with the base

station, the MT is "adjusting uplink transmission timing" as the MT will transmit on the newly adjusted time frame with the time lag.

***Conclusion***

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHRISTINE NG whose telephone number is (571)272-3124. The examiner can normally be reached on M-F; 8:00 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy Vu can be reached on (571) 272-3155. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2616

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

C. Ng  
March 25, 2008

/FIRMIN BACKER/  
Supervisory Patent Examiner, Art Unit 2616

**Application Number****Application/Control No.**

10/082,844

**Applicant(s)/Patent under  
Reexamination**

TERRY, STEPHEN E.

**Examiner**

CHRISTINE NG

**Art Unit**

2616